

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-19-07
Introduced by: City Council
Date Introduced: February 4, 2019
First Reading: February 4, 2019
Second Reading: February 11, 2019
Date Adopted: February 11, 2019
Date Effective: March 12, 2019

AN ORDINANCE concerning

CHAPTER 114 – Nuisance Properties

FOR the purpose of amending Chapter 114 – Nuisance Properties of the Code of the City of Seat Pleasant to amend the violations and penalties and implement procedures for public urination and defecation in the City of Seat Pleasant.

BY Amending Chapter 114 – Nuisance Properties
Sections 114-2 B, 114-3 and 114-4
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

WHEREAS, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

WHEREAS, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

WHEREAS, the City Council is concerned about Nuisance activities in the City’s commercial district; and

WHEREAS, the City Council is desirous of establishing an ordinance prohibiting the public nuisance of urinating and defecating in the City of Seat Pleasant and establishing enforcement provisions and penalties; and

WHEREAS, the City Council deems it in the best interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

SECTION 1. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 114 (Nuisance Properties), consisting of §§ 114-3 and 114-4, be and it is hereby enacted and added to the Code of the City of Seat Pleasant (1994 Edition, as amended), reading as follows:

§114-2 B. NUISANCE ACTIVITY

1-3 NO CHANGES

4. ~~Public Urination and Indecent Exposure~~ PUBLIC URINATION OR DEFECATION

5-17 NO CHANGES

§ 114-3. Violations and Penalties.

A-C NO CHANGES:

D. ANY PERSON OR PERSONS WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL UPON CONVICTION BE DEEMED A CRIMINAL OFFENSE PUNISHABLE BY IMPRISONMENT OR SHALL BE FINED AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) OR SHALL SUFFER PUNISHMENT BY IMPRISONMENT OR BOTH AT THE COURT'S DISCRETION.

§ 114-4.

A-F NO CHANGES

G. IT SHALL BE UNLAWFUL FOR ANY PERSON TO URINATE OR DEFECATE IN PUBLIC UNLESS THERE IS A PLACE SPECIFICALLY DESIGNATED FOR THAT PURPOSE, OR IN ANY OTHER PLACE WHERE THE PERSON MAY BE SEEN FROM A PUBLIC THOROUGHFARE OR PUBLIC PROPERTY.

H. THE CHIEF OF POLICE OR THEIR DESIGNEE HAS THE AUTHORITY TO ENFORCE THIS CODE.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

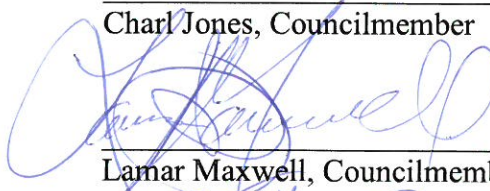
SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT



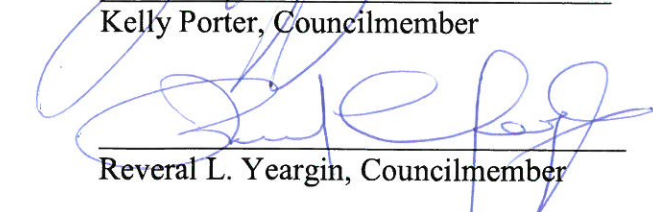
Charl Jones, Councilmember



Lamar Maxwell, Councilmember



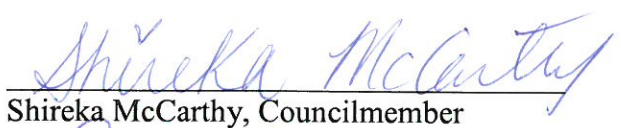
Kelly Porter, Councilmember



Reveral L. Yeargin, Councilmember



Hope Love, Councilmember



Shireka McCarthy, Councilmember



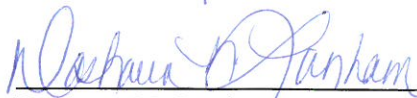
Gloria L. Sistrunk, Councilmember

ATTEST:



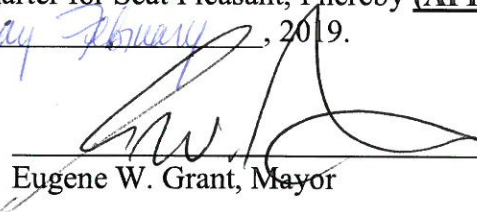
Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 13th February, 2019



Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)** **(DISAPPROVE)** of this Ordinance this 14th day February, 2019.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.